

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>V.</b>	)	<b>CR. No.: 2:05cr290-MHT</b>
	)	
<b>EDDIE ANDREW GORDON</b>	)	

**AFFIDAVIT**


<b>STATE OF ALABAMA</b>	)	
	)	
<b>COUNTY OF MONTGOMERY</b>	)	

I, KEVIN L. BUTLER, state the following:

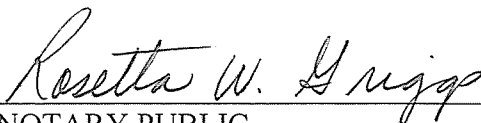
1. I am employed as an Assistant Federal Public Defender for the Middle District of Alabama.
2. On Friday August, 4 2006 at approximately 4:00 p.m., I received approximately 110 juror questionnaires submitted by the members of the jury venire in this case.
3. A review of these questionnaires indicates there is Constitutionally and statutorily improper disparity between the number of African-Americans over the age of 18 that live within the judicial circuit served by this Court and the number of African-Americans represented within the jury venire.
4. My initial research indicates that within the judicial district served by the United States District Court for the Middle District of Alabama, the percentage of African-Americans over the age of 18 is approximately 31%.
5. The jury venire in this case is composed of approximately 15% African Americans.

6. The approximate 15% under-representation of African Americans on the jury venire violates the Jury Selection and Service Act, 18 U.S.C. §1861 et seq, and the Defendant's Sixth and Fifth Amendments rights to trial by an impartial jury representing a fair cross section of the community and the guarantee of due process.

This 7<sup>th</sup> day of August 2006.

  
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**KEVIN L. BUTLER**  
**AZ BAR CODE 014138**

The foregoing was sworn to and subscribed before me this 7<sup>th</sup> day of August 2006, by a person known to me to be Kevin L. Butler.

  
\_\_\_\_\_  
NOTARY PUBLIC  
My Commission expires: 11-6-07